

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 7,197,529 to Nakagawa et al.

As concerns claim 1, a medical image photographing management terminal comprising: input means (col. 19, lines 16-17, 20-26 and line 29; col. 25, lines 29-31) to be used, when carrying out photographing for a purpose of diagnosis, for inputting ID information (col. 19, lines 7, 11, 17, 40 and 45-50) including at least one of information about a patient as an object and information about the photographing; storage means (col. 20, lines 5-10, 18 and 35) for storing information; and control means (controllers; 102) for controlling writing of the ID information inputted by using said input means into said storage means and reading of the ID information from said storage means, and permitting the ID information stored in said storage means to be referred to and edited from another medical image photographing management terminal (5) in response to a request from the another medical image photographing management terminal (col. 23, lines 19-22; col. 25, lines 32-60; col. 28, lines 1-13, 26-30 and 40-50; see at least col. 20, lines 20-40 and col. 22, line 65-col. 23, line 5).

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As concerns claim 2, the medical image photographing management terminal according to claim 1, wherein said control means prohibits (col. 19, lines 15-23) reference or editing of the ID information from a third medical image photographing management terminal when respect a series of photographing is being carried out by the another medical image photographing management terminal (col. 20, lines 41-50; col. 28, line 20).

As concerns claim 3, a medical image photographing management terminal comprising: input means (col. 19, lines 16-17, 20-26 and line 29; col. 25, lines 29-31) to be used, when carrying out photographing for a purpose of diagnosis, for inputting ID information including at least one of information about a patient as an object and information about the photographing (col. 19, lines 7, 11, 17, 40 and 45-50); storage means (col. 20, lines 5-10, 18 and 35) for storing information; and control means (controllers; 102) for controlling writing of the ID information inputted by using said input means into said storage means and reading of the ID information from said storage means, and transmitting the ID information stored in said storage means to another medical image photographing management terminal (col. 23, lines 19-22; col. 25, lines 32-34 and 59-60; col. 28, lines 1-13 and 40-50; col. 30, lines 13-23) and deleting (col. 31, line 10; col. 20, line 28) the ID information stored in said storage means in response to a request from the another medical image photographing management terminal; wherein the control means permits the ID information stored in said storage means to be referred to and edited from the another medical image photographing management terminal in response to a request from the another medical image photographing management terminal (see at least col. 20, lines 20-29 and col. 22, line 65-col. 23, line 5; col. 28, lines 26-30, 40-42).

As concerns claim 4, a medical image photographing system in which photographing is carried out for a purpose of diagnosis on the basis of ID information including at least one of information about a patient as an object and information about the photographing (col. 19, lines 7, 11, 17, 40 and 45-50), said system comprising: a plurality of medical image photographing apparatuses (101) to be used for carrying out the photographing for the purpose of diagnosis; and a plurality of medical image photographing management terminals (5) including a first medical image photographing management terminal corresponding to a first medical image photographing apparatus and a second medical image photographing management terminal corresponding to a second medical image photographing apparatus, each of said plurality of medical image photographing management terminals including control means (controllers; 102) for permitting the ID information managed by said first medical image photographing management terminal to be used in said second medical image photographing management terminal in a case where the photographing is carried out by using said second medical image photographing apparatus and said second medical image photographing management terminal on the basis of the ID information inputted by using said first medical image photographing management terminal (col. 23, lines 19-22; col. 25, lines 32-34 and 59-60; col. 28, lines 1-13 and 40-50; col. 29, lines 5-10).

As concerns claim 5, the medical image photographing system according to claim 4, wherein: said second medical image photographing management terminal transmits to said first medical image photographing management terminal a request for reference or editing (col. 28, lines 1-13 and 40-50) of the ID information managed by said first medical image photographing management terminal; and said first medical image photographing management terminal

permits the ID information stored in storage means (col. 20, lines 5-10, 18 and 35) of said first medical image photographing management terminal to be referred to or edited from said second medical image photographing management terminal in response to the request from said second medical image photographing apparatus (col. 23, lines 19-22; col. 25, lines 32-34 and 59-60; col. 28, lines 1-13 and 40-50).

As concerns claim 6, the medical image photographing system according to claim 4, wherein: said second medical image photographing management terminal transmits to said first medical image photographing management terminal a request (col. 28, lines 1-13 and 40-50) for the ID information managed by said first medical image photographing management terminal; and said first medical image photographing management terminal transmits (col. 28, lines 1-13 and 40-50) the ID information stored in storage means of said first medical image photographing management terminal to said second medical image photographing management terminal and deletes (col. 31, line 10; col. 20, line 28) the ID information stored in said storage means in response to the request from said second medical image photographing management terminal.

Response to Arguments

3. Applicant's arguments filed March 12, 2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., another controller takes over the photography mid-operation) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification

are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The applicant argues Nagawa fails to address a particular scenario (see page 7, 3rd paragraph of Remarks). The applicant appears to be claiming an intended use of the invention and has not specified particular claim limitations. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

The applicant argues Nagawa does not disclose the ID information is edited by a second controller. The claims have been given the broadest reasonable interpretation including the term “edit”. Nagawa does disclose multiple terminals/controllers where the information can be received and displayed. Furthermore Nagawa discloses “editing” the information either by re-inputting information or re-arranging the order of the information (see at least col. 20, lines 20-40; col. 22, line 65-col. 23, line 5). Also Nagawa discloses a portable memory (col. 25, lines 37-47) for storing ID information.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See PTO-892.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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